Commissioner for Patents
June 29, 2007
Page 8 of 12

Serial No. 10/660,289 Confirm. No.: 5354
Art Unit: 2109 Examiner: Saeed S. Mirzadegan
IBM Docket: AUS920030563US1(4013)

REMARKS

Claims 1-25 are pending. Claims 1-25 stand rejected under 35 USC §§ 112, 101, and 103. Applicant thanks Examiner for the interview. Applicant respectfully traverses the rejections with respect to the claims in light of the amendments with the following remarks.

IDS objection

Attached is a new IDS form PTO/SB/08B with the requested information along with a fee in accordance with 37 CFR 1.97(c)(2).

Drawing objections

The Office action objects to the drawings as not showing the "Queue manager" in support of claims 1, 9, and 17. As we discussed in the interview, Applicant respectfully disagrees. Applicant argues that the "Queue Manager" is illustrated as element 224 in FIG. 2 and element 326 in FIG. 3. Furthermore, Applicant adds an element "Queue Manager" as element 139 to FIG. 1 in the attached replacement sheet as described in paragraphs, e.g., 15 and 17. The revision does not add new matter. Applicant respectfully requests that the objections with respect to the claims be withdrawn and the replacement sheet for FIG. 1 be accepted.

Specification objections

The specification objections are corrected in the Amendments to the Specification section and by the inclusion of queue manager 139 in the replacement sheet for FIG. 1. Thus, Applicant respectfully requests that the objections with respect to the specification be withdrawn.

Claim rejections under 35 USC § 112

Commissioner for Patents
June 29, 2007
Page 9 of 12

Serial No. 10/660,289 Confirm. No.: 5354
Art Unit: 2109 Examiner: Saeed S. Mirzadegan
IBM Docket: AUS920030563US1(4013)

As we discussed, Applicant respectfully argues that the term "thread" is sufficiently defined in the specification at, for example, paragraph 15, line 14; paragraph 21, line 4; paragraph 47, line 20; and element 342 in FIG. 3. Applicant respectfully argues that a person of ordinary skill in the art would understand the term "thread" to encompass hardware, software, or a combination thereof, which include DB threads. Thus, Applicant respectfully requests that the rejections with respect to the claims be withdrawn.

Claim rejections *under 35 USC § 101*

The machine-accessible medium claims are modified to describe "storage-type" machine-accessible media. Applicant respectfully argues that the amended claims clearly describe tangible media. Thus, Applicant respectfully requests the rejections be withdrawn.

Claim rejections *under 35 USC § 103*

Claims 1-6, 9-15, and 17-20 stand rejected under 35 USC § 103 as being unpatentable over McGann et al. U.S. Pat. 6,920,476 (hereinafter "McGann") in view of Lambert et al. U.S. Pat. App. 2003/0033349 (hereinafter "Lambert"). Applicant respectfully traverses the rejections with respect to the claims with the following remarks.

To establish a prima facie case of obviousness,[1] the modification or combination must teach or suggest all of Applicants' claim limitations.[2]

Independent Claims

McGann in view of Lambert does not describe, expressly or inherently, all of the limitations of claims 1, 9, and 17. For instance, McGann in view of Lambert fails to describe:

...copying the message to a working queue, the working queue being persisted by a queue manager, to persist the message before the message is

---

[1] Manual of Patent Examining Procedure §2142.
[2] *In re Royka*, 490 F.2d 981, 985, 180 USPQ 580, 583 (CCPA 1974).

Commissioner for Patents
June 29, 2007
Page 10 of 12

Serial No. 10/660,289 Confirm. No.: 5354
Art Unit: 2109 Examiner: Saeed S. Mirzadegan
IBM Docket: AUS920030563US1 (4013)

removed from the inbound queue; and processing the message to generate a reply prior to removing the message from the working queue.

Consistent with the cites in the Office action, McGann describes an invention that receives a message at a messaging collector and passes the message to a local queue manager (See FIG. 2, elements 26, 28, 30, and 32). "Once messaging collector 28 has passed the message off to local queue manager 30, sending process 20 has completed sending message 26, and may return to other functions."[3] "The messaging collector method 28 preferably returns a status code to sending process 20 indicating success or failure for accepting the message. This is based upon a similar success or failure status received from the local queue manager."[4] "Local queue manager 30 accepts messages as quickly as possible from messaging collector 28, and prepares them for continued transmission."[5] "Also, preferably, [the message] is persisted to a local file system 32 [by the local queue manager 30], where it is stored until the message is delivered."[6]

As discussed in the Office action, Lambert teaches that "[a]ll queue managers support synchronous messaging operations, such as the ability to access queues to get, put and browse messages."[7]

McGann in view of Lambert does not teach or suggest "copying the message to a working queue, the working queue being persisted by a queue manager, to persist the message **before the message is removed from the inbound queue**; and processing the message to generate a reply prior to removing the message from the working queue." The rejections in the Office action assume that McGann would address the issue of persisting the message prior to removing it from the inbound queue (messaging collector) but there is no such suggestion in McGann. McGann not only fails to expressly or inherently address the issue of persisting the message prior to removing it from the inbound queue (messaging collector), McGann also indicates that persistence of the message to the local file system after "...the messaging collector has passed the message

---

[3] McGann, col. 2, lines 44-47.
[4] McGann, col. 2, lines 53-57.
[5] McGann, col. 2, lines 60-62.
[6] McGann, col. 3, lines 2-3.
[7] Lambert, par. 90.

Commissioner for Patents
June 29, 2007
Page 11 of 12

Serial No. 10/660,289 Confirm. No.: 5354
Art Unit: 2109 Examiner: Saeed S. Mirzadegan
IBM Docket: AUS920030563US1(4013)

off to local queue manager…"[8] is optional, indicating an indifference to the persistence even after the message is removed from the inbound queue.

In sum, McGann ignores the problems addressed by the invention as described by claims 1, 9, and 17, and the combination of McGann and Lambert does not teach or suggest the problem nor the claim language of claims 1, 9, and 17. Thus, Applicant respectfully requests that the rejections be withdrawn and the claims be allowed.

Dependent Claims

Furthermore, the dependents of claims 1, 9, and 17 incorporate the limitations of claims 1, 9, and 17. Thus, the combination of McGann and Lambert does not teach or suggest all the limitations of dependent claims of claims 1, 9, and 17, and Applicant respectfully argues that the dependent claims should be allowed.

Reservations

Applicant is not conceding in this application that the original claims are not patentable over the art cited by Examiner, as the present claim amendments and cancellations are only for facilitating expeditious prosecution. Applicant respectfully reserves the right to pursue these and other claims in one or more continuations and/or divisional patent applications.

---

[8] McGann, col. 2, line 46.

Commissioner for Patents
June 29, 2007
Page 12 of 12

Serial No. 10/660,289 Confirm. No.: 5354
Art Unit: 2109 Examiner: Saeed S. Mirzadegan
IBM Docket: AUS920030563US1(4013)

CONCLUSION

Applicant respectfully traverses the rejections in light of the cited references under 35 USC § 103. Accordingly, Applicant believes that this response constitutes a complete response to each of the issues raised in the Office action. In light of the amendments made herein and the accompanying remarks, Applicant believes that the pending claims are in condition for allowance. Thus, Applicant requests that the rejections be withdrawn, pending claims be allowed, and application advance toward issuance. If a discussion might expedite allowance of the claims, the undersigned attorney requests a telephone conference at (512) 288-6635.

A petition and payment for an extension of time is attached. No other fees are believed due with this paper. However, if any fee is determined to be required, the Office is authorized to charge Deposit Account 50-3295 for any such required fee.

Respectfully submitted,

Date: June 29, 2007

/Jeffrey S. Schubert/
Jeffrey S. Schubert, Reg. No. 43,098
Customer No.: 45557
Schubert Osterrieder & Nickelson PLLC
6013 Cannon Mtn Dr, S14
Austin, Texas 78749
(512) 692-7297 (Telephone)
(512) 301-7301 (Facsimile)
Attorney for Applicant(s)